IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE P.N.RAVINDRAN

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

W.P.(C).No.35330 of 2007(S)

PETITIONERS:-
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1. KASARGODE JILLA PARISTHITHI SAMITHI,
   (REG.NO.309/07) 902/A1,
   KANJANGAD P.O.,
   REPRESENTED BY ITS SECRETARY MR.M.KRISHNAN,
   S/O.KARIAN,
   AGED 54 YEARS,
   AMBALATHARA,
   PULLOOR P.O.,
   KANJANGAD.

2. P.THAMBAN,
   S/O.KRISHNAN (LATE),
   AGED 54 YEARS,
   MAYYAL,
   PODAVUR P.O.,
   CHERUVATHUR ROAD,
   KAYYUR VILLAGE.

3. N.K.BHASKARAN,
   S/O.KUNHIRAMAN,
   AGED 44 YEARS,
   ANGOL,
   KARINTHALAM P.O.,
   NEELESWARAM ROAD,
   KASARAGOD,
   KARINTHALAM VILLAGE.

BY ADV. SMT.DAISY A.PHILIPOSE

RESPONDENTS:-
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1. THE DISTRICT COLLECTOR,
   KASARAGOD - 671 121.

2. REVENUE DIVISIONAL OFFICER,
   KASARAGOD-671 121.

3. THE CIRCLE INSPECTOR OF POLICE,
   NEELESWARAM-673 572.

4. KAYYUR-CHEEMENI GRAMA PANCHAYATH,
   REPRESENTED BY ITS SECRETARY-686 651.

5. SURESHAN,
S/O.AMBU,
KUNNATH HOUSE,
MAYYAL,
PODAVUR P.O.,
KASARAGOD DITRICT-671 313.

6. K.V.PAVITHRAN,
S/O.CHIRUKANDAN,
KOLLAM VALAPPIL,
VELUR,
KARINTHALAM P.O.,
NEELESWARAM,
KASARAGOD DISTRICT-673 572.

7. A.V.LOHITHAKSHAN,
S/O.KUNJIKANNAN,
ADUKKATHIL HOUSE,
KARINTHALAM P.O.,
NEELESWARAM,
KASARAGOD DISTRICT-673 572.

R1 TO R3 BY GOVERNMENT PLEADER SRI.M.P.SREEKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.Dattu,C.J. & P.N.Ravindran,J.

W.P.(C).No.35330 of 2007

Dated, this the 14th day of December, 2007

JUDGMENT

H.L.Dattu,C.J.

A public interest litigation against indiscriminate and illegal extraction and removal of river sand from Karyankode River in Kasargode District by respondents 5 to 7. In the petition it is alleged that, the indiscriminate extraction of river sand has resulted in massive destruction of river banks. It is further stated that though the local residents had submitted complaints before the concerned authorities, no action has been taken so far. It is the further contention of the petitioners that, nearby houses, bridges, etc. are facing serious threat due to sliding of river banks and further that, the water level in the area is being lowered day by day.

(2) The petitioners further state that, the River Management Squad conducted a joint inspection on 16.8.2007 and at that time more than 10 mini lorries and 23 country boats were parked around the kadavus at various places in such a way that it is not possible to prevent such massive removal of sand. The petitioners further state that, the Tahsildar has brought to the notice of the District Collector the action plan for preventing illicit removal of sand. The petitioners further state that, the Tahsildar has also addressed a letter to the Sub Inspector of Police, Neeleswaram to take strict action to prevent illicit removal of river sand. The petitioners allege that due to the collusion of concerned officers, the illicit removal of river sand is continued unabatedly by respondents 5 to 7.

(3) The petitioners further state that, under Article 51A(g) of the Constitution, every citizen has a fundamental duty to protect and improve the natural environment. The indiscriminate and uncontrolled removal of sand is causing sliding of river bank and adversely affecting the bio-physical environment. In conclusion, the petitioners state that, the inaction of the 1st respondent in taking

effective action to stop massive extraction of the river sand would amount to dereliction of duty.

(4) When the petition was posted for admission, we had directed Sri.M.P.Sreekrishnan, learned Government Pleader, to secure appropriate instructions from the District Collector, Kasaragod on the allegations made in the writ petition.

(5) The matter is now posted for further orders before this Court.

(6) Sri.M.P.Sreekrishnan, the learned Government Advocate produces before us the orders passed by the District Collector dated 11.12.2007 banning the removal of sand from Karyankode River in Kasaragod District. Along with the said order, he also produces before us the information passed on to the Tahsildar of the area and also the Sub Inspector of Police.

(7) Since the District Collector has acted upon the representation filed by the petitioners, at this stage it may not be necessary to give any further direction to the District Collector to stop the illicit removal of river sand from Karyankode River in Kasaragod District.

(8) In view of the development that has taken place during the pendency of this writ petition, no further orders need be passed in this writ petition. Accordingly, the writ petition is disposed of.

(9) The orders passed by the District Collector are placed on record.

Ordered accordingly.

H.L.Dattu
Chief Justice

P.N.Ravindran
Judge

vku/-